

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES KENDRICK,

Plaintiff,

CASE NUMBER: 10-13752

v.
HONORABLE VICTORIA A. ROBERTS

WAYNE COUNTY, ET AL,

Defendants.

/

ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST WAYNE COUNTY

On September 21, 2010, Plaintiff, a prisoner, filed a *pro se* Complaint against Wayne County, the State of Michigan, the Internal Revenue Service (IRS), and the United States of America. Plaintiff alleges the IRS, United States, and Wayne County wrongfully withheld the information he requested. He also alleges that the Secretary of State wrongfully refused to file a document and failed to return it under seal. He attempts to state claims for violation of his First and Fifth Amendment rights, violation of the FOIA, violation of the Privacy Act, and common law negligence.

Plaintiff proceeds *in forma pauperis* (IFP). When reviewing IFP complaints, Congress empowered the Court to *sua sponte* dismiss claims at any time if the IFP plaintiff fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B).

Upon review of the Complaint, it appears that Plaintiff attempts to state a claim against Wayne County for violation of the FOIA. To the extent that he does so, the claim fails. FOIA governs disclosure of records only for *federal* agencies. See 5 U.S.C.

§ 551(1); *Butler v. Tennessee Bureau of Investigation*, 25 F.3d 1047, 1047 (6th Cir. 1994) (“The FOIA simply does not apply to state agencies.”). Wayne County is not a federal agency; thus, this claim is dismissed.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: September 1, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record and Charles Kendrick by electronic means or U.S. Mail on September 1, 2011.

s/Carol A. Pinegar

Deputy Clerk